

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Marcia K. Houghton and Joe M. Vedda,

Complainants,

vs.

Villa Madeira Park and Joe Mecaro, its manager,

Defendant.

(ECP)  
Case 03-05-027  
(Filed May 19, 2003)

Marcia K. Houghton and Joe M. Vedda,  
for themselves, Complainants.  
Joe Mecaro, for Villa Madeira Park, Defendant.

**ORDER GRANTING RELIEF**

Complainants allege that defendant Villa Madeira Park has overcharged them for electric service by approximately \$224 for the period June 2000 through September 2003. Defendant denies the allegation. Public hearing was held September 29, 2003.

Villa Madeira Park is a cooperative mobilehome park operated by the Villa Madeira Property Owners Association (Association). Joe Mecaro (Mecaro) is the manager of the Association. Complainants are tenants in one of the mobilehome spaces and receive submetered electric and gas service from the Association. This complaint concerns billing for electric service and the proper application of baseline rates and the California Alternatives Rates for Energy (CARE) discount.

Complainants submitted their electric bills for the period in question with their estimate of overcharges totaling approximately \$224. Mecaro testified that the Association used the services of an independent utility rate service to compute the electric bills for all members of the Association. A representative of the rate service testified that he computed the bills in accordance with San Diego Gas & Electric's (SDG&E) tariffs and the appropriate master-meter discount, including baseline and CARE adjustments. In his opinion the electric bills of complainants were billed accurately.

The matter was submitted and the bills in question were referred to the Commission's Energy Division for analysis. That analysis has been received. The appropriate statute is Pub. Util. Code § 739.5(a):

§ 739.5(a) The commission shall require that, whenever gas or electric service, or both, is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, the master-meter customer shall charge each user of the service at the same rate which would be applicable if the user were receiving gas or electricity, or both, directly from the gas or electrical corporation. The commission shall require the corporation furnishing service to the master-meter customer to establish uniform rates for master-meter service at a level which will provide a sufficient differential to cover the reasonable average costs to master-meter customers of providing submeter service, except that these costs shall not exceed the average cost that the corporation would have incurred in providing comparable services directly to the users of the service.

The Energy Division expert used the tariff sheets for Schedule DT (Submetered Multi-Family Service – Mobilehome Park) and rates for Schedule DR-L1 (Domestic Service – CARE Program) provided by SDG&E for the billing periods covering March 2000 through September 2003. The following overcharges of approximately \$80 were found:

Last ten months in 2000

The bills are correct until August. As a result of legislation, a cap of 0.65 cents/kilowatt was placed on the Power Exchange (PX) rate effective in June 2000. Using the energy rates in effect and applying a cap to the PX rate, the complainants were overbilled \$32.40 (8.56+12.91+6.65+2.19+2.09).

Nine months in 2001 (bills for 9/01-11/01 were not submitted)

With the exception of the month of December, the complainants were overbilled each month due to the use of incorrect rates, erroneous calculation for the PX price cap, and/or improper adjustment for the CARE discount. The overcharges total \$36.21 for the time period (3.41+5.06+5.65+5.39+4.19+3.77+3.74+4.98+.02).

2002

Most of the months in the year were calculated correctly (within 15 cents) but the CARE discount was not given in the October and November statements. The total overcharges for the year were \$11.53 (.01+.08+.03+.01+.01+.14+.01+.02+.02+6.26+4.92+.02).

Nine months in 2003

The billing for the most part is accurate; the minor differences for each month results from the manner in which the CARE discount is calculated. The bills take a 20% discount off of both the energy rate and the PX rate rather than a one-time 20% line item adjustment off the total bill. The total overcharge for the year is 43 cents (.02+.03+.02+.03+.02+.03+0+.16+.18).

Total overcharges \$80.57.

It is important to note that the mobilehome park and its utility advisors are not to be faulted for the slight discrepancies we have found. The master-meter

discount can be difficult to compute, as shown by this case, and the discrepancies are often miniscule.

**IT IS ORDERED** that:

1. Villa Madeira Park shall refund to complainants \$80.57.
2. This case is closed.

This order is effective today.

Dated \_\_\_\_\_, 2004, in San Francisco, California.